

EXHIBIT NO. 1

5
11-16-02

Docket Item # 5
SPECIAL USE PERMIT #2002-0091

Planning Commission Meeting
November 7, 2002

ISSUE: Consideration of a request for a special use permit to change the ownership of an automobile service station.

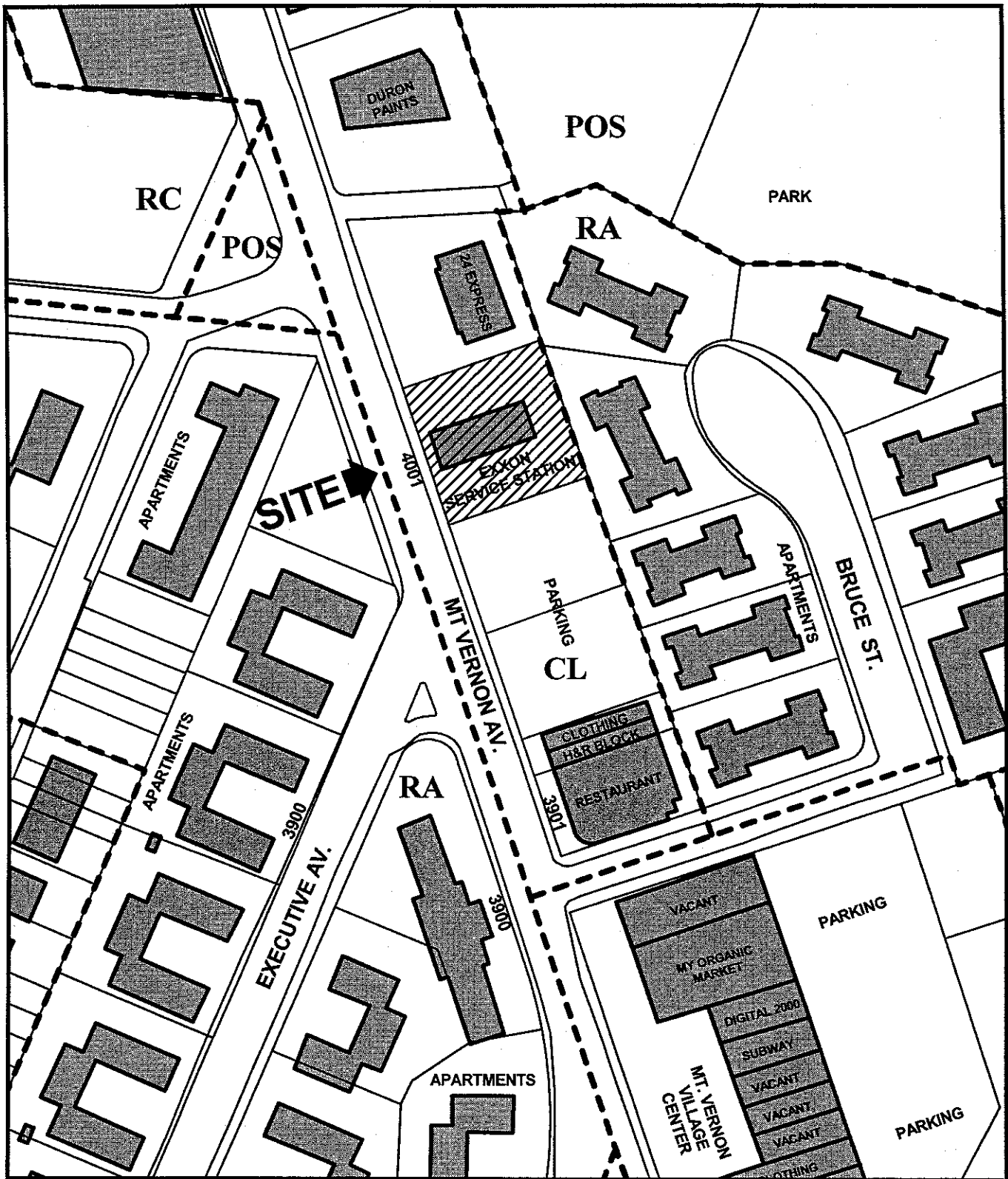
APPLICANT: Exxon-Mobil Oil Corporation
by John R. Cahill

LOCATION: 4001 Mt. Vernon Avenue

ZONE: CL/Commercial Low

PLANNING COMMISSION ACTION, NOVEMBER 7, 2002: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations

Reason: The Planning Commission agreed with the staff analysis.



SUP #2002-0091

11/07/02



STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. **CONDITION DELETED BY STAFF:** That a minimum of two (2) employees be on duty at the service station at all times when this station is open. (P&Z)
2. **CONDITION DELETED BY STAFF:** That at least one (1) of the employees on duty be stationed on the outside of the building, in order to supervise the dispensing of gasoline, while another employee on duty is stationed inside the "kiosk" attendant's buildings, to control the gasoline dispensing devices. (SUP #983) (P&Z)
3. **CONDITION AMENDED BY STAFF:** That there be no No banners, streamers, flags or similar advertising devices shall be unsightly signs or advertising displayed on the premises, but signs advertising the general business conducted on the premises may be displayed in accordance with Article IX, Section 9-100 of the zoning ordinance of the City of Alexandria, Virginia. (P&Z) and that the premises be kept in a neat and orderly condition at all times. (SUP #983) (P&Z)
4. **CONDITION AMENDED BY STAFF:** This special use permit shall be granted to the applicant or to any business or entity in which the applicant has a controlling interest only. (P&Z) That this special use permit be issued to the Gulf Oil Corporation only and not be transferrable to any other individual or firm. (SUP #983) (P&Z)
5. **CONDITION AMENDED BY STAFF:** That there be no "U-Haul" type rental trailers or vehicles permitted on the property in connection with the service station operation or as a separate use on the property. (SUP #983) (P&Z)
6. **CONDITION DELETED BY STAFF:** That the applicant obtain a certificate of occupancy, bearing a certification of approval by all affected City departments prior to operation of the service station. (SUP #983) (P&Z)
7. **CONDITION ADDED BY STAFF:** The applicant shall install and maintain in good condition an enclosure to screen the dumpster to the satisfaction of the Director of the Department of Planning and Zoning. (P&Z)
8. **CONDITION ADDED BY STAFF:** The hours of operation may be up to 24 hours a day, seven days a week. (P&Z)

9. **CONDITION ADDED BY STAFF:** The applicant shall comply with the City of Alexandria Best Management Practices Manual for Automotive Related Industries. A copy can be obtained by contacting the Division of Environmental Quality on 703/519-3400, extension 166. (T&ES)
10. **CONDITION ADDED BY STAFF:** The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
11. **CONDITION ADDED BY STAFF:** Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
12. **CONDITION ADDED BY STAFF:** All waste products including, but not limited to organic compounds (solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers, or be discharged onto the ground. (T&ES)
13. **CONDITION ADDED BY STAFF:** No material shall be disposed of by venting into the atmosphere. (T&ES)
14. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, and shall discuss all SUP provisions and requirements, as part of that training. (P&Z)
15. **CONDITION ADDED BY STAFF:** This permit shall be reviewed ten years from approval by City Council in order to assess its compatibility with other uses in the area. (P&Z)
16. **CONDITION ADDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

DISCUSSION:

1. The applicant, Exxon Corporation, requests special use permit approval to change the ownership and amend conditions of the special use permit for the noncomplying gasoline service station located at 4001 Mount Vernon Avenue in Arlandria.
2. The subject property is one lot of record with 132 feet of frontage along Mount Vernon Avenue, a depth of 130 feet, and a lot area of 14, 079 square feet. The lot is developed with a 120 square foot kiosk and four gasoline pump islands. There are no repair bays at this location. To the north of the subject property is the 24 Express and Duron paint stores. To the south is Lilian's Restaurant and the Mount Vernon Village Center (previously Arlandria Shopping Center). To the east of the site is the Chirilagua Housing Cooperative. Four Mile Run Park lies to the northeast. Across from the gas station is the Presidential Greens apartment complex.
3. A gasoline service station has operated at this location since at least 1941. In 1974, pursuant to Special Use Permit #983, the service station building was demolished and replaced with a self-service station with a kiosk, four pump islands and a canopy. In 1983 and again in 1984, the City Council approved Special Use Permits 1571 and 1571-A, allowing Gulf Oil to build a 750 square foot building from which to sell retail convenience items. The building was never built and the special use permits expired. In 1995, Exxon sought SUP approval to add a convenience store to the site. That application led to the consideration of a text amendment to allow convenience store uses in the CL zone. The text amendment was denied and the SUP was deferred indefinitely by the Planning Commission and the applicant.
4. This application is for a change in ownership of the business and to amend conditions #1 and #2 of the 1974 special use permit (SUP #983) under which the business is currently operating. The ownership actually changed in 1993 and was part of the special use permit application in 1995 that was put on hold and never approved. In a recent review of a business license, staff inspected the property and also observed a violation to condition #4 which limits the SUP to Gulf Oil Corp, condition #1 which states that two employees shall be on the premises when the station is open, and condition #2 which states that at least one employee be stationed on the outside of the building and another in the kiosk. The applicant filed this application as a result.
5. The station includes a small retail operation in conjunction with the cashier station. Retail items currently sold include: small automotive accessories, soft drinks, candy, chips and nonprescription drugs. The hours of operation at the station are, and have been for at least five years, 24 hours a day, seven days a week.
6. Prior to 1992, the site was zoned C-2 which allowed gas stations by special use permit. In 1992 the property was rezoned to the CL zone which does not allow gasoline service stations.

The Exxon service station is now classified as a noncomplying use under section 12-300 of the zoning ordinance.

7. Under section 8-200(A)(12) of the zoning ordinance, automobile service stations are required to provide off-street parking at a ratio of one space for each gasoline pump. The subject gas station has four pumps; therefore its requirement for the gasoline operation is four parking spaces. The station has sufficient parking to meet the requirement.
8. In addition to the SUP violations, there were two recent zoning violations reported for this business. In February of 2001 staff observed advertising signage over the gasoline pumps, and in December 2001 staff issued a ticket for a for sale vehicle parked on the lot. On both occasions, the business corrected the violations in a timely manner.
9. Zoning: The subject property is located in the CL/Commercial low zone and is a noncomplying use.
10. Master Plan: The proposed use is in the Potomac West chapter of the Master Plan which designates the property for commercial.

STAFF ANALYSIS:

Staff does not object to the change of ownership and requested amendments to the special use permit. The business is a noncomplying use that has existed at the site for more than 60 years, and staff is not aware of any immediate plans for redevelopment of this particular site. Further, the applicant has well-maintained landscaping along the streetscape and has agreed to install a trash enclosure to screen the dumpster and otherwise improve the site.

Staff is concerned, however, that the long-range vision for Arlandria, as proposed by the Arlandria Work Group, strongly encourages the redevelopment of auto-oriented uses to pedestrian-oriented uses within the next 20 years, if not sooner. Therefore, staff recommends a review of the SUP in ten years so that the special use permit can be reconsidered in the context of an increasing pressure for redeveloping this kind of use. Staff has also included the standard conditions for gas stations. In addition, because a few violations have been reported at this site, although very minor, staff has included a one year review condition. Finally, staff supports the deletion of conditions #1 and #2 as requested by the applicant. After inspection of the property, Code Enforcement determined that the pump shut-off system is adequate and does not require that two employees be present to monitor fuel dispensing.

With these conditions, staff recommends approval of this special use permit.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valerie Peterson, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 The applicant shall comply with the City of Alexandria Best Management Practices Manual for Automotive Related Industries. A copy can be obtained by contacting the Division of Environmental Quality on 703/519-3400, extension 166.
- R-2 The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services.
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-4 All waste products including, but not limited to organic compounds (solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers, or be discharged onto the ground.
- R-5 No material shall be disposed of by venting into the atmosphere.

Code Enforcement:

- F-1 No comments

Health Department:

- F-1 No comments

Police Department:

- F-1 No objections, year to date one call for police service. That for a liquor law violation.

APPLICATION for SPECIAL USE PERMIT # 2002-0091☒ Change of Ownership or ☐ Minor Amendment

[must use black ink or type]

PROPERTY LOCATION: 4001 Mount Vernon Ave. Alexandria, VA 22305TAX MAP REFERENCE: 07.00-02-17 ZONE: CL

APPLICANT Name: _____

Address: _____

PROPERTY OWNER Name: ExxonMobil CorpAddress: 4400 Dacoma Houston, Texas 77092SITE USE: Gasoline Station

☒ THE UNDERSIGNED hereby applies for a Special Use Permit for Change in Ownership, in accordance with the provisions of Article XI, Division A, Section 11-503 (S)(f) of the 1992 Zoning Ordinance of City of Alexandria, Virginia. THE UNDERSIGNED, having read and received a copy of the special use permit, hereby agrees to comply with all conditions of the current special use permit, including all other applicable City codes and ordinances.

☐ THE UNDERSIGNED hereby applies for a Special Use Permit for Minor Amendment, in accordance with the provisions of Article XI, Division A, Section 11-509 and 11-511 of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby requests this special use permit. The undersigned also attests that all of the information herein required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief.

John R. Cahill
Print Name of Applicant or Agent

John R. Cahill
Signature

P.O. Box 4336
Mailing/Street Address

(713) 680-6356 (713) 680-5993
Telephone # Fax #

Houston, Texas 77210
City and State Zip Code

8-12-02
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____
Legal Advertisement: _____

ADMINISTRATIVE ACTION: _____

Date

Director, Planning & Zoning

SUP # 2002-0091

The following information must be furnished to the Department of Planning and Zoning to determine if the current use conducted on the premises complies with the special use permit provisions and all other applicable codes and ordinances.

1. Please describe prior special use permit approval for the subject use.

Most recent Special Use Permit # 983

Date approved: 9 / 24 / 74
month day year

Name of applicant on most recent special use permit Gulf Oil Corp.

Use Exxon Mobil Oil Corp.

2. Describe below the nature of the existing operation in detail so that the Department of Planning and Zoning can understand the nature of the change in operation; include information regarding type of operation, number of patrons served, number of employees, parking availability, etc. (Attach additional sheets if necessary)

24 hour motor fuel only location

Six employees

Lot parking

SUP # 2002-0091

3. Describe any proposed changes to the business from what was represented to the Planning Commission and City Council during the special use permit approval process, including any proposed changes in the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, any noise emitted by the use, etc. (Attach additional sheets if necessary)

We will not have two employees on the site at the
same time.

The station is open 24 hours.

SUP # 2002-0091

4. Is the use currently open for business? ☒ Yes ☐ No

If the use is closed, provide the date closed.

month

day

year

5. Describe any proposed changes to the conditions of the special use permit:

6. Are the hours of operation proposed to change? ☐ Yes ☒ No
If yes, list the current hours and proposed hours:

Current Hours:

Proposed Hours:

24 Hours

7. Will the number of employees remain the same? ☒ Yes ☐ No
If no, list the current number of employees and the proposed number.

Current Number of Employees:

Proposed Number of Employees:

6

8. Will there be any renovations or new equipment for the business? ☐ Yes ☒ No
If yes, describe the type of renovations and/or list any new equipment proposed.

9. Are you proposing any change in the sales or service of alcoholic beverages? ☐ Yes ☒ No
If yes, describe proposed changes:

SUP # 2002-0091

10. Is off-street parking provided for your employees? ☒ Yes ☐ No
If yes, how many spaces, and where are they located?

No designated spots

11. Is off-street parking provided for your customers? ☒ Yes ☐ No
If yes, how many spaces, and where are they located?

12. Is there a proposed increase in the number of seats or patrons served? ☐ Yes ☒ No
If yes, describe the current number of seats or patrons served and the proposed number of seats and patrons served. For restaurants, list the number of seats by type (i.e. bar stools, seats at tables, etc.)

Current:

Proposed:

13. Are physical changes to the structure or interior space requested? ☐ Yes ☒ No
If yes, attach drawings showing existing and proposed layouts. In both cases, include the floor area devoted to uses, i.e. storage area, customer service area, and/or office spaces.

14. Is there a proposed increase in the building area devoted to the business? ☐ Yes ☒ No
If yes, describe the existing amount of building area and the proposed amount of building area.

Current:

Proposed:

15. The applicant is the (check one) ☒ Property owner ☐ Lessee

other, please describe:

16. The applicant is the (check one) ☒ Current business owner ☐ Prospective business owner

other, please describe:

SUP # 2002-0091

17. Each application shall contain a clear and concise statement identifying the applicant, including the name and address of each person owning an interest in the applicant and the extent of such ownership interest. If the applicant, or one of such persons holding an ownership interest in the applicant is a corporation, each person owning an interest in excess of ten percent (10%) in the corporation and the extent of interest shall be identified by name and address. For the purpose of this section, the term "ownership interest" shall include any legal or equitable interest held in the subject real estate at the time of the application. If a nonprofit corporation, the name of the registered agent must be provided.

Please provide ownership information here:

APPLICATION for SPECIAL USE PERMIT # 2002-0091

☒ Change of Ownership or ☐ Minor Amendment

[must use black ink or type]

PROPERTY LOCATION: 4001 Mount Vernon Ave. Alexandria, VA. 22305

TAX MAP REFERENCE: 07.00-02-17 ZONE: CL

APPLICANT Name:

Address:

PROPERTY OWNER Name: Exxon Mobil Oil Corp

Address: 4400 Decoma, Houston, Texas 77092

SITE USE: Gasoline Station

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John R. Cahill
Print Name of Applicant or Agent

J. L. Carile
Signature
(717) 680-6356 (717) 680-5993
Telephone # Fax #

P.O. Box 4336
Mailing/Street Address

Houston, Texas 77210
City and State Zip Code

8-12-02
DATE

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____
Legal Advertisement: _____

Date & Fee Paid: _____ \$ _____

PLANNING COMMISSION ACTION: 11/07/02

RECOMMENDED APPROVAL UC

CITY COUNCIL: 11/16/02PH--CC approved the Planning Commission ~~Director, Planning & Economic~~ recommendation.